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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,145	09/27/2000	Thomas E. Saulpaugh	5181-67300	6194

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EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	Applicant(s)	
09/672,145	SAULPAUGH ET AL.	
Examiner	Art Unit	
Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7-28,30-59 and 61-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5,7-28,30-44,55-59 and 61-68 is/are allowed.
- 6) ☒ Claim(s) 45,48-52 and 54 is/are rejected.
- 7) ☒ Claim(s) 46,47 and 53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 45 and 49 have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection have been necessitated by the newly added limitations in claims 45 and 49.
2. With regard to Applicant's assertion that Matena and ~~and~~ Bittinger fail to disclose an encrypted node key (Page 24, Lines 3-6 and Page 26, Lines 12-17 of Remarks) and, it is noted that such a limitation was not present in the claims at the time the rejection was made. Applicant is respectfully requested to address newly added limitations as such, since treating them as though they were previously presented is misleading and adds confusion to the record.
3. Applicant is reminded that any response to this Office action containing amended or newly presented claims should specifically point out support in the original disclosure for the new or amended claims. See MPEP § 714.02 and § 2163.06 ("Applicant should specifically point out the support for any amendments made to the disclosure.").

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 45,48,49-52 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittinger et al. (US 6,453,362) in view of Jalili et al. (US 5,423,042) in further view of Winer ("XML-RPC for Newbies).

6. With regard to claim 45, Bittinger discloses a device comprising:

- a client component (Fig 1); and
- a method gate (part of the client application);

wherein the client component is configured to generate a computer programming language method call (request to start an application) (at least Col 7, Lines 27-30);

wherein the method gate is configured to:

- access the computer programming language method call generated by the client component (method gate intercepts request to start an application);
- generate a message that includes information representing a computer programming language method call (create ticket)(at least Col 7, Lines 61-64);
- and
- send the message to the service (ticket is sent to server)(at least Col 8, Lines 15-17);

wherein the service is operable to perform a function on behalf of the client component in accordance with the information representing the computer programming language method call included in the message (at least Col 8, Lines 23-30).

While the system disclosed by Bittinger shows substantial features of the claimed invention (discussed above), it fails to specifically disclose including an encrypted credential in the message that is used by the service to verify the message as authentic prior to performing the function or that the message is in a data representation language.

Jalili discloses a similar system for execution of remote procedures. Jalili teaches including an encrypted credential in all transactions between the client and the server. The server uses the credential to verify the clients identity and in combination with permissions associated with a requested function, allows or denies the clients requests (at least Col 13, Line 60 to Col 14, Line 13). This would have been an advantageous addition to the system disclosed by Bittinger since it would have allowed the server to verify the identity of the client associated with each request. This would have prevented a previously authenticated session from being hijacked by an unauthorized user that did not have the encrypted credential.

Winer teaches using a well-known data representation language (XML) to represent remote procedure calls. This would have been an advantageous addition to the system disclosed by Bittinger since XML is a well-known and easy to use language that makes cross platform procedure calls simple.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an encrypted credential in the messages to ensure that the client has authority to make the method call and use XML for the

messages in the system disclosed by Bittinger since it would have provided a simple and easy to understand method of representing the method calls.

7. With regard to claim 48, Bittinger further discloses that the computer programming language is the Java programming language, and wherein the information representing the method call in the message represents a Java method call to a Java method implemented on the service, and wherein the service performing a function comprises invoking the Java method on the service in accordance with the information representing the Java method call included in the message (the system is written in Java and utilizes a Java Virtual Machine, col 4 line 64 – col 5 line 7).

8. Claims 49 and 50 are rejected under the same rationale as claim 45, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

9. With regard to claim 51, Bittinger further discloses that the client and the message endpoint are executable within a virtual machine, wherein the virtual machine is within a client device (the system is written in Java and utilizes a Java Virtual Machine, col 4 line 64 – col 5 line 7).

10. With regard to claim 52, Bittinger further discloses that the virtual machine is a Java Virtual Machine (JVM) (the system is written in Java and utilizes a Java Virtual Machine, col 4 line 64 – col 5 line 7).

11. With regard to claim 54, Bittinger further discloses that the computer programming language is the Java programming language, and wherein the information representing the method call in the message represents a Java method call to a Java method implemented on the service, and wherein the service performing a function comprises invoking the Java method on the service in accordance with the information representing the Java method call included in the message (the system is written in Java and utilizes a Java Virtual Machine, col 4 line 64 – col 5 line 7).

#### ***Allowable Subject Matter***

12. Claims 1-5,7-28,30-44,55-59 and 61-68 are allowed.

13. Claims 46,47 and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS  
10/10/06



KRISNA LIM  
PRIMARY EXAMINER